

**ASSEMBLY BILL**

**No. 12**

---

**Introduced by Assembly Member Cooley**

December 3, 2012

---

An act to amend Section 11349.1.5 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Cooley. State government: Administrative Procedure Act: standardized regulatory impact analyses.

The Administrative Procedure Act governs the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law requires each state agency to prepare a standardized regulatory impact analysis, as specified, with respect to the adoption, amendment, or repeal of a major regulation, as defined, that is proposed on or after November 1, 2013. Existing law requires the Department of Finance and the office, from time to time, to review the standardized regulatory impact analyses for adherence to regulations adopted by the department.

This bill would instead require the Department of Finance and the office to annually review the standardized regulatory impact analyses for adherence to the regulations adopted by the department.

Existing law requires, on or before November 1, 2015, the office to submit to the Senate and Assembly Committees on Governmental Organization a report describing the extent to which submitted standardized regulatory impact analyses for proposed major regulations adhere to the regulations adopted by the department.

This bill would require the report to include any recommendations from the office for actions the Legislature might consider for improving state agency performance and compliance in the creation of the standardized regulatory impact analyses. This bill would require the office to notify the Legislature of noncompliance by a state agency and to post the report and the notice of noncompliance on the office's Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11349.1.5 of the Government Code is  
2     amended to read:  
3     11349.1.5. (a) The Department of Finance and the office shall;  
4     ~~from time to time~~, *annually* review the standardized regulatory  
5     impact analyses required by subdivision (c) of Section 11346.3  
6     and submitted to the office pursuant to Section 11347.3, for  
7     adherence to the regulations adopted by the department pursuant  
8     to Section 11346.36.  
9     (b) On or before November 1, 2015, the office shall submit to  
10    the Senate and Assembly Committees on Governmental  
11    Organization a report describing the extent to which submitted  
12    standardized regulatory impact analyses for proposed major  
13    regulations adhere to the regulations adopted pursuant to Section  
14    11346.36. The report shall include a discussion of agency  
15    adherence to the regulations as well as a comparison between  
16    various state agencies on the question of adherence. The report  
17    ~~may~~ *shall* also include any recommendations from the office for  
18    actions the Legislature might consider for improving state agency  
19    performance *and compliance in the creation of the standardized*  
20    *regulatory impact analyses as described in Section 11346.3.*  
21    (c) In addition to the report required by subdivision (b), the  
22    office ~~may~~ *shall* notify the Legislature of noncompliance by a state  
23    agency with the regulations adopted pursuant to Section 11346.36,  
24    in any manner or form determined by the office *and shall post the*  
25    *report and notice of noncompliance on the office's Internet Web*  
26    *site.*

O